

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO

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RICHARD SANCHEZ,

Petitioner,

v.

No. CV 07-0941 MV/CEG

MICHAEL HEREDIA,

Respondent.

ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

The Magistrate Judge filed her Proposed Findings and Recommended Disposition on January 22, 2008. *See Doc 16*. The Proposed Findings and Recommended Disposition recommends that the Court dismiss Sanchez's § 2254 Petition without prejudice for failure exhaust state remedies. *Id.* Sanchez filed objections to the Proposed Findings and Recommended Disposition on January 29, 2008. *See Doc. 17*.

The Court has carefully reviewed Sanchez's objections de novo and finds them to be not well taken. Sanchez's failure to appeal claim appeared for the first time in his objections. "[I]ssues raised for the first time in objections to the magistrate judge's recommendation are deemed waived." *Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996); *see also United States v. Garfinkle*, 261 F.3d 1030, 1031 (10th Cir. 2001); *Tracy v. Addison*, 16 Fed. Appx. 928 n.4 (10th Cir. 2001). The Court finds Sanchez's other objections to be without merit because his state petition for habeas corpus, filed April 12, 2007, is still pending.

Wherefore,

IT IS HEREBY ORDERED THAT:

- 1) the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 16) are adopted;
- 2) Sanchez's objections (Doc. 17) are overruled; and
- 3) Sanchez's Petition (Doc. 1) is dismissed without prejudice.

  
UNITED STATES DISTRICT JUDGE